MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2015/ 2016 SESSION

UAL 2612 – ADMINISTRATIVE LAW

(All Sections / Groups)

17 OCTOBER 2015

Reading Time : 9.00 a.m. - 9.15a.m.
(15 Minutes)

Answering Time: 9.15 a.m. - 12.15p.m
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given. Question **ONE** is compulsory.

4. Students are allowed to bring into Examination Hall a CLEAN and ORIGINAL copy of the Rules of Court 2012.

5. Please write your answers in the Answer Booklet provided.

QUESTION 1 (Compulsory Question)

Tim was member of an organisation which builds homes for stray animals. Tim has been a member of this organisation for several years and the members of this organisation have built homes for unwanted animals in several states. Tim planned to stand for election as he wished to be the next president of the organisation. However, a few members of the organisation have made complaints against him to the current president of the organisation. As a result of these complaints, Tim was removed from his position and was not allowed to explain himself. He has been informed in writing that his conduct has disqualified him from standing for election. Tim believes that he has been treated unfairly.

By referring to relevant authorities, discuss the following:

i) If Tim could apply for a judicial review.

(6 marks)

ii) If he could prove that he has been "adversely affected" by the decision made.

(6 marks)

iii) The remedy that he could possibly seek and its effect.

(7 marks)

iv) The grounds that he could raise that justify his application.

(6 marks)

(Total 25 marks)

QUESTION 2

The Animal Protection Act 2009 protects animals which will be extinct in the future. Students belonging to a research institute in Malacca have found that *orang utans* would become extinct in the next 100 years if no measures are taken to protect their survival. A group of them applied for a research fund to carry out activities that would protect these animals from extinction. Before they applied for the fund, they were told that s 21 of the Act allows them to apply for funds and that they could rely on the section. Accordingly, they applied for the research fund. Ms. Khatijah, the leader of the group received a letter yesterday stating that their application has been rejected.

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The section reads as follows:

Section 21 of the Animal Protection Act 2009 - Powers of the Minister to Grant Funds

The Minister who is in-charge of protecting all animals in Malaysia, is given the power to allocate special funds to those who wish to carry out studies on how to protect and preserve their survival. However, if he decides not to grant such funds, that decision cannot be challenged by any court of law.

Advise Khatijah on the following:

i) As to when she should commence the application, assuming that she is unable to do so within the time-frame would it is possible for her to apply for an extension?

(12.5 marks)

ii) If s 21 includes an "ouster clause," the meaning of this phrase and if courts have the power to disregard such a clause.

(12.5 marks)

(Total: 25 marks)

QUESTION 3

i) Briefly outline the brief facts of *Shaffarizan Mohamad v Government of Malaysia & Anor* [2014] 1 LNS 490 and explain its legal implication.

(12.5 marks)

ii) Based on *Boyce v Paddington* BC [1903] 1 CH 109, it is possible to obtain injunctive reliefs against the Government. Discuss the position in Malaysia based on the case of *Sabil Mulia (M) Sdn. Bhd.* v *Director of Tengku Ampuan Rahmah Hospital* [2005] 2 AMR 502.

(12.5 marks)

(Total: 25 marks)

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QUESTION 4

By referring to the provisions under Order 53 Rules of Court 2012 and relevant case law, discuss the discretionary powers of superior courts when granting reliefs to applicants.

(Total: 25 marks)

QUESTION 5

Judicial review is a dying process within the Malaysian legal system.

By referring to relevant authorities, discuss the accuracy of this statement.

(Total: 25 marks)

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